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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,466	03/24/2006	Jun-ichi Matsuda	040447-0280	9270

22428 7590 07/21/2009

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER	
SHEDRICK, CHARLES TERRELL	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
07/21/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/573,466	MATSUDA, JUN-ICHI	
	Examiner	Art Unit	
	CHARLES SHEDRICK	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-12,24 and 26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-12,24 and 26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1, 3-7,11-12 and 24 and 26** are rejected under 35 U.S.C. 102(b) as being anticipated by Honma JP 2003-228532.

Consider **claims 1, 24 and 26, Honma teaches** A location based information service providing-method for use in a mobile communication network system including a content server which transmits a content(**e.g., content request using GPS information for location as noted in at least the abstract and paragraphs 0005**), and a terminal which has location measurement means to execute a location measurement processing (**e.g., the PDA or cellular phone has a GPS for self positioning as noted in at least paragraph 0018**), reception means to receive a content from the content server (**e.g., at least map information from information offer server as noted in paragraph 0010 or servers noted in paragraph 0018**), transmission means to transmit a content request which requests a content from the content server (**e.g., transmitting means which acquires a self position and send info to content server as noted in at least paragraph 0005 and 0012**), and a recognition section to recognize function information issued for every operation(**e.g., control section 26 controls the whole device as noted in paragraph 0020**), the method comprising: a first step in which if said recognition section recognizes the function information (**e.g., see paragraphs 0005 and 0018 with respect to the control section**

in paragraph 0026)(i.e., the control section recognizes the input and/or request), said location measurement means executes a location measurement processing of determining a position of said terminal(**e.g., self positioning as noted in at least paragraph 0005**); and a second step in which if a content request with a location measurement result is given **(e.g., see paragraphs 0005 and 0018)(i.e., the content request is related to the current position)**, said transmission means transmits to the content server a content request with information concerning a geographical position of said terminal which is determined as a result of the location measurement processing in the first step(**e.g., transmitting means which acquires a self position and send info to content server as noted in at least paragraph 0005 and 0012**).

Consider **claim 3 and as applied to claim 1**, Honma teaches wherein the function information is a character string including an address of a request to said content server(**e.g., see at least paragraph 0014**).

Consider **claim 4 and as applied to claim 1**, Honma teaches wherein the function information is a location measurement processing request from said content server (**e.g., see at least paragraph 0008 which discusses route information which includes both a current and future destination as discussed in paragraph 0014 also**).

Consider **claim 5 and as applied to claim 1**, Honma teaches wherein the function information is a signal transmitted when an application program executable by said terminal is started up (**i.e., as best understood by the Examiner the acquisition means as noted in paragraph 0005 in cooperation with the GPS performs an executable function to determine at least self position up NAVI application start-up see also paragraph 0020**).

Consider **claim 6 and as applied to claim 1**, Honma teaches wherein the function

information is a signal transmitted when a button which said terminal has is pressed down(**e.g., one click or via key input section as noted in paragraphs 0019 and 0020**).

Consider **claim 7 and as applied to claim 1**, Honma teaches wherein if said recognition section recognizes the content request with a location measurement result, processing of the second step is executed(**e.g., see paragraphs 0005 and 0018 with respect to the control section in paragraph 0026)(i.e., the control section recognizes the input and/or request**).

Consider **claim 11 and as applied to claim 1**, Honma teaches wherein said terminal has a memory to maintain the result of the location measurement processing; and in the first step(**e.g., see memory as noted in at least paragraph 0005**), said location measurement means periodically executes the location measurement processing(**e.g., see at least paragraph 0008 where the position acquiring means is noted**), and information concerning a geographical position of the terminal itself determined as a result of the location measurement processing is updated and maintained in the memory for every time when the location measurement processing is executed(**e.g., position information in memory as noted in at least paragraph 0010**).

Consider **claim 12 and as applied to claim 1**, Honma teaches wherein the location measurement processing is a location measurement processing using a signal from a GPS satellite (**e.g. , see GPS noted in paragraph 0018**).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honma JP 2003-228532 in view of Tsunchara US Patent No.: 6,928, 292 B2

Consider **claim 8 and as applied to claim 1**, Honma teaches the claimed invention except wherein quality measurement means to measure quality of reception of a radio signal which the terminal is receiving, and the location measurement processing in the first step is executed if the quality of reception measured by said quality measurement means increases to a preset threshold value or higher.

However, In analogous art Tsunchara teaches wherein quality measurement means to measure quality of reception of a radio signal which the terminal is receiving (**e.g., the handset is equipped with both position calculation means using radio waves from GPS and cellular and results obtained are combined as noted in at least col. 1 line 65-col. 2 line 5 and reliability is gauged as illustrated in at least figure 2**), and the location measurement processing in the first step is executed if the quality of reception measured by said quality measurement means increases to a preset threshold value or higher(**e.g., the handset is equipped with both position calculation means using radio waves from GPS and cellular and results**

obtained are combined as noted in at least col. 1 line 65-col. 2 line 5 and reliability is gauged as illustrated in at least figure 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Honma to include wherein quality measurement means to measure quality of reception of a radio signal which the terminal is receiving, and the location measurement processing in the first step is executed if the quality of reception measured by said quality measurement means increases to a preset threshold value or higher for the purpose of increasing location determination reliability as taught by Tsunchra

Consider **claim 9 and as applied to claim 8**, Honma teaches the claimed invention except wherein the radio signal is a signal which said terminal uses for communication(.

However, In analogous art Tsunchara teaches the radio signal is a signal which said terminal uses for communication**(i.e., cellular)(e.g., the handset is equipped with both position calculation means using radio waves from GPS and cellular and results obtained are combined as noted in at least col. 1 line 65-col. 2 line 5**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Honma to include wherein the radio signal is a signal which said terminal uses for communication for the purpose of increasing location determination reliability as taught by Tsunchra

Consider **claim 10 and as applied to claim 8**, Honma as modified by Tsunchra teaches wherein the radio signal is a signal transmitted from a GPS satellite(**e.g., see referenced GPS** above).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles Shedrick/
Examiner, Art Unit 2617

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617